

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**COMPLAINT**Michael E. Tanner

(Enter above the full name of the plaintiff or plaintiffs and prisoner number of each plaintiff in this action)

V.

CIVIL ACTION NUMBER:

1:07CV913LGRJW

(to be completed by the Court)

Harrison County Sheriffs Dept.Perry Bartley (Deputy)DON CABANA (WARDEN)MARK Mc GOWIN (CAPT.)

(Enter above the full name of the defendant or defendants in this action)

OTHER LAWSUITS FILED BY PLAINTIFF**NOTICE AND WARNING:**

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

- A. Have you ever filed any other lawsuits in a court of the United States? Yes () No (X)
- B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)
- Parties to the action: Ø
 - Court (if federal court, name the district; if state court, name the county): Ø
 - Docket Number: Ø
 - Name of judge to whom case was assigned: Ø
 - Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): Ø

PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Michael F. Tanner Prisoner Number: 282768

Address: 10451 Larkin Smith Dr.
Gulf Port, MS. 39503

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Deputy Perry Bartley / Harrison County Sheriff's Dept.
is employed

as Deputy / Sanitation Supervisor at Harrison
County Jail Adult Detention Center

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF(S):

NAME: Michael F. Tanner ADDRESS: 10451 Larkin Smith Dr.
Gulf Port, MS. 39503

DEFENDANT(S):

NAME: Perry Bartley ADDRESS: 10451 Larkin Smith Dr. Gulf Port, MS.
Don Cabana 10451 Larkin Smith Dr. Gulf Port, MS.
Mark McGowan 10451 Larkin Smith Dr. Gulf Port, MS.
Capt. Rogers (Chief of Security) 10451 Larkin Smith Dr. Gulf Port, MS.

ATTACHMENT TO FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes _____ No X

B. If your answer to A. is yes, describe the conviction in the spaces below.

1. Name and location of court which entered the judgment of conviction

Ø

2. Date of judgment of conviction and the sentence received

Ø

3. Date of the sentence

Ø

C. Are you presently incarcerated for a parole or probation violation?

Yes _____ No X

D. If your answer to C. is yes, describe the parole or probation in the spaces below.

1. Date of your parole or probation

Ø

2. Date of your arrest for parole or probation violation

Ø

Michael J. Zaman
SIGNATURE OF PLAINTIFF

ADMINISTRATIVE REMEDIES PROGRAM

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes () No (X)

B. Are you presently incarcerated for a parole or probation violation?

Yes () No (X)

C. Did you present the facts relating to your complaint in the administrative or grievance procedure in your institution?

Yes (X) No ()

1. If you answer to C is yes,

a. State the date your claims were presented: 6-6-07

b. State how your claims were presented. (Written request, verbal request, request for forms)

Inmate Grievance form

c. State the result of that procedure. (You must attach a copy of the final result, such as a certificate from the administrator of the Administrative Remedies Program stating that you have exhausted your administrative remedies.)

I Am Sending Copys of my Grievance
I have Exhausted my Grievance.

2. If you have not filed a grievance, state the reasons: _____

STATEMENT OF CLAIM

- III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

on 5-17-07 Sanitation Supervisor Perry Bartley told me Inmate Worker Michael Tanner to Grab A Case of bottled water And follow him I did as I was told, I proceeded to follow him, We got to Central Control doorway And had to wait for the officer in Central Control tower to open the door the Work Center trustees Were Standing in front of Central holding Cell Window #1 I Seen A trustee I knew So I Went to Talk to him. Well Mr Bartley Started Screaming for me to get my ASS back over to where he Was, So I turned Around

RELIEF

- IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

Compensatory Damages
Punitive Damages
injunctive Relief

Signed this 27 day of June, 20 07

Michael F. Tanner

Signature of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

6-27-07
(Date)

Michael F. Tanner

Signature of plaintiff

And went back to where he was standing. AS I WAS walking past Mr. Bartley he snatched the case of water off my left shoulder and bottles of water went flying out of the case and one flew up and hit me in my left eye. I went to find Shift Supervisor Capt. Phil Taylor (the time of the incident was around 7:00^{AM} to 8:00^{AM}) the Mail Officer was talking to the Work Center Trustees Supervisor, I asked her if she knew where Capt. Taylor was, she told me that Capt. Taylor was not his boss that Capt. Mark McGowan was his boss. So I went to Capt. McGowan's office told him about the incident. he got one of his officers to escort me to medical. Medical sent me to the hospital. the Emergency Room doctor stated to me that it ~~Don Cabana~~ was obvious to him that a blunt object has hit me in the eye. I feel that my left eye is permanently damaged because before I got hit by that bottle I had really good vision now ~~every thing~~ in when I look

out of my Left Eye Every thing is Blurey,
the Medical Staff here Will not do nothing,
It Says in the Statement of Claims to describe
how each defendant is involved,

- 1 Don Cabana Warden: After Learning of
Violation of my rights failed to remedy the
wrong.
- 2 Mark McGowin: After Learning of Violation
of my rights, failed to remedy the Wrong.
- 3 Capt. Rodgers (Chief of Security) After
Learning of Violation of my rights failed to
remedy the Wrong.

Thank you,

Michael J. Lamm